

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:06CR50
	)	
v.	)	
	)	ORDER
RUDOLPH GEORGE STANKO,	)	
	)	
Defendant.	)	
_____	)	

Before the court is defendant's motion, Filing No. 19, concerning his access to the court library. The court ordered the government to respond to this motion. Filing No. 21. The government has now responded. Filing No. 38.

The government asserts that it has supplied all relevant discovery related to this indictment to the defendant. The government points out that defendant has been able to file nineteen pretrial motions to date during the six weeks this case has been filed as well as an interlocutory appeal to the Eighth Circuit. The government also points out that the defendant has failed to assert that he has actually suffered an actual injury as a result of receiving less access than desired to the law library. The court agrees that this is the standard and the burden is on the defendant to show actual injury. *Myers v. Hundley*, 101 F.3d 542, 544 (8<sup>th</sup> Cir. 1996). The defendant has failed to do so and, accordingly, his motion is denied.

IT IS ORDERED that defendant's motion, Filing No. 19, is denied.

DATED this 10th day of April, 2006.

BY THE COURT:

s/ Joseph F. Bataillon  
JOSEPH F. BATAILLON  
United States District Judge